

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARI A. SCHOTTENSTEIN,

Plaintiff,

-against-

BRIAN R. KAHN and KAHN CAPITAL
MANAGEMENT, LLC,

Defendants.

Case No. 10-CV-7087 (AKH) (FM)

**STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO
RULE 41(a)(1)(A)(ii)**

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff Ari A. Schottenstein ("Schottenstein") and Defendant Kahn Capital Management, LLC ("KCM") (Schottenstein and KCM hereinafter collectively the "Remaining Parties") and/or their counsel, that the above-captioned action is hereby dismissed in its entirety, with prejudice, and without apportionment of costs, disbursements, or attorneys' fees to any party, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Brian Kahn ("Kahn") and Vintage Capital Management, LLC ("VCM") (Kahn and VCM, hereinafter referred to as "Former Defendants"), and each of them, hereby waive any and all rights in this action to seek apportionment of costs, disbursements, or attorneys' fees from any other Remaining Party pursuant to Rule 41(a)(1)(A)(ii) or under any other legal or equitable theory. Remaining Parties hereby waive any and all rights in this action to seek apportionment of costs, disbursements, or attorneys' fees from any of the Former Defendants pursuant to Rule 41(a)(1)(A)(ii) or under any other legal or equitable theory.

Dated: New York, New York
March 9, 2015

MORRISON COHEN LLP

By: s/ Y. David Scharf
Y. David Scharf
909 Third Avenue
New York, NY 10022

Counsel for Plaintiff

FOLEY & LARDNER LLP

By: s/ Yonaton Aronoff
Yonaton Aronoff
90 Park Avenue
New York, New York 11215

*Counsel for Defendant Kahn Capital
Management, LLC and Former Defendants
Brian Kahn and Vintage Capital Management,
LLC*